

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen Theoharides  
Secretary

Martin Suuberg  
Commissioner

October 26, 2020

Timothy Burbank  
Globalcycle, Inc.  
700A Richmond Street  
Taunton, Massachusetts 02718

&

City of Taunton Board of Health  
114 Oak Street  
Taunton, MA 02780

**RE: REPORT ON SUITABILITY FOR SITE ASSIGNMENT**

Application for: BWP SW01  
Application No. 20-SW01-0001-APP  
Authorization No. SW01-0000003

**AT:** Globalcycle, Inc. Solid Waste Handling Facility  
700A Richmond Street  
Taunton, Massachusetts 02718  
Facility No. 547917

Dear Mr. Burbank and Board of Health Members:

The Massachusetts Department of Environmental Protection, Bureau of Air and Waste, Solid Waste Management Section ("MassDEP" or "Department"), has completed its Technical Review of the permit application ("Application") listed above and determined that the Application is Technically Complete.

The Application was submitted on behalf of Globalcycle, Inc. (the "Applicant") by Zenith Consulting Engineers, LLC, Lakeville, Massachusetts, and received by MassDEP on March 10, 2020. MassDEP is reviewing the Application under the provisions of 310 CMR 16.00, Site Assignment Regulations for Solid Waste Facilities. MassDEP has assigned Report Number 293-006-A to this permit application.



The area under consideration for site assignment is 0.44 acres located at 700A Richmond Street, Taunton, MA (the "Site") and will be used for a transfer station that will accept and handle liquid, semi-solid, and solid non-hazardous solid waste at a maximum daily acceptance rate of less than 50 tons per day.

The permit application consists of the document entitled:

**BWP SW 01 – Site Suitability Report  
For a New Site Assignment  
Globalcycle, Inc.  
700A Richmond Street  
Taunton, Massachusetts  
March 4, 2020**

The Application was submitted electronically via the Massachusetts Executive Office of Energy and Environmental Affairs ePlace Portal at <https://permitting.state.ma.us/CitizenAccess/> on March 10, 2020 and payment was received on March 17, 2020.

On April 10, 2020, MassDEP requested a ten-day extension of the Administrative Review schedule pursuant to 310 CMR 4.04(2)(f) and the Applicant and MassDEP agreed to extend the Administrative Review timeline to April 17, 2020. On April 17, 2020, MassDEP determined that the Application was Administratively Incomplete. In response to MassDEP's Determination of Administrative Incompleteness, supplemental information was submitted on July 7, 2020, consisting of a document entitled:

**BWP SW 01 – Site Suitability Report  
For a New Site Assignment  
Globalcycle, Inc.  
700A Richmond Street  
Taunton, Massachusetts  
Revised June 17, 2020**

On July 28, 2020, MassDEP determined the Application was Administratively Complete. Pursuant to the provisions MGL c.111, §§150A & 150A1/2 and 310 CMR 16.00, Public Notice was required to be given concerning the proposed solid waste site assignment, in order to initiate and provide a twenty-one (21) day public comment period for any concerned or interested persons regarding the proposed site assignment. According to the provisions of 310 CMR 16.00, the public comment period would commence on the date by which "proof" of public notice was submitted to MassDEP. On August 25, 2020, MassDEP received documentation that public notice was published in the Taunton Daily Gazette on August 17, 2020 and documentation that public notice was sent via Certified mail to abutters to the Site and all parties identified in 310 CMR 16.08(2). On August 31, 2020, MassDEP received documentation that public notice was published in Massachusetts Environmental Policy Act (MEPA) Monitor on August 26, 2020. Pursuant to 310 CMR 16.10(4)(a) public notice shall be published in the MEPA Monitor where the proposed facility was required to file an Environmental Notification Form (ENF) or Environmental Impact Report (EIR) with MEPA. Since the Applicant was not required to file an ENF or EIR with MEPA, MassDEP determined that the requirement to post in the MEPA



Monitor did not apply. Accordingly, the public comment period commenced on August 26, 2020.

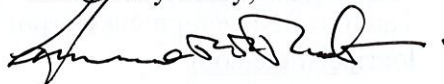
The Applicant provided a copy of the Application for public review, which is located in the offices of the Taunton Board of Health, and published a website location where the Application may be reviewed online. MassDEP accepted public comments for a period of twenty-one days via US Mail and via email. MassDEP did not receive any public comments during the public comment period, which concluded on September 16, 2020.

The Application including supplemental information and MassDEP's Report on Suitability may be reviewed online at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> using the "Site Name" Globalcycle Inc. and the "Search" tab. Under "Record Type", select the "Application" file with the March 10, 2020 "Application Date" and the "Report on Suitability" file with the October 23, 2020 "Application Date."

Pursuant to 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities", MassDEP has determined that the Site is suitable for the proposed use. Attached is the "Report on Site Suitability", Report Number 293-006-A prepared by MassDEP. The Taunton Board of Health should proceed with a public hearing on the application pursuant to Part II of 310 CMR 16.00. Please refer to 310 CMR 16.20(7) Initiation of Hearings regarding public notice requirements and public hearing timeframes. Please note, c. 53, s. 17 of the Acts of 2020 may extend the timeline for when such public hearing must commence. In addition, c. 53, s. 17(d) may allow the Board of Health to conduct a public hearing remotely, consistent with the governor's March 12, 2020 order entitled, "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, s. 20", as the order may be amended, supplemented or replaced.

If you have any questions regarding this determination, please contact me at (508) 946-2847 or Alison Cochrane at (508) 946-2778 or at the letterhead address. Any correspondence regarding this matter should reference DEP FILE # 293-006-A.

Yours Very Truly,



Gerard M. R. Martin

FOR: Mark Dakers, Chief  
Bureau of Air and Waste  
Solid Waste Management Section

D/AC/lg

Mr. Timothy Burbank  
Globalcycle, Inc.  
700A Richmond Street  
Taunton, Massachusetts 02718  
CERTIFIED MAIL NO. 7019 2280 0002 2136 6072  
RETURN RECEIPT REQUESTED

City of Taunton Board of Health  
 114 Oak Street  
 Taunton, MA 02780  
 CERTIFIED MAIL NO. 7019 2280 0002 2136 6065  
 RETURN RECEIPT REQUESTED

cc: Massachusetts Department of Public Health  
 Bureau of Environmental Health Services  
 250 Washington Street, 7th Floor  
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cc: City of Taunton Board of Health  
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 Lakeville Board of Health  
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Robert Forbes, Zenith Consulting Engineers, [rforbes@zcellc.com](mailto:rforbes@zcellc.com)  
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City of Taunton Planning Department  
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 Southeast Regional Planning and Economic Development District  
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 Taunton Redevelopment Corporation  
[louricci@me.com](mailto:louricci@me.com)

DEP-Boston  
 ATTN: G. Cooper  
 J. Fischer

DEP-SERO  
 ATTN: S. Pickering  
 M. Dakers





**Massachusetts Department of Environmental Protection**  
**One Winter Street, Boston MA 02108 • Phone: 617-292-5751**

**Communication For Non-English Speaking Parties** - 310 CMR 1.03(5)(a)



**1 English:**

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



**2 Español (Spanish):**

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



**3 Português (Portuguese):**

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



**4(a) 中國（傳統）(Chinese (Traditional)):**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多样性總監聯繫。



**4(b) 中国（简体中文）(Chinese (Simplified)):**

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与MassDEP的多样性总监联系。



**5 Ayisyen (franse kreyòl) (Haitian) (French Creole):**

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



**6 Việt (Vietnamese):**

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



**7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):**

ឯកសារនេះគឺមានសារៈសំខាន់និងត្រូវបានបកប្រែភ្លាមៗ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងជាមួយក្រុមការងារ MassDEP នៅលេខទូរស័ព្ទដែលបានរាយនាមខាងក្រោម។



**8 Kriolu Kabuverdianu (Cape Verdean):**

Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Diretor de Diversidade na MassDEP's pa es numero indicode li d'boche.



**9 Русский язык (Russian):**

Этот документ должен быть немедленно. Если вам нужна помощь при переводе, свяжитесь пожалуйста с директором по этике и разнообразие в MassDEP по телефону указанному ниже.





#### 10 العربية (Arabic):

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.



#### 11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.



#### 12 հայերեն (Armenian):

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բարձրագույնությունը սնտրեն է հեռախոսահամարների թվարկված են ստորեւ.



#### 13 فارسی (Farsi [Persian]):

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.



#### 14 Français (French):

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.



#### 15 Deutsch (German):

Diese Dokument ist wichtig aund sollte sofort übersetzt werden. Wenn Sie die Übersetzung von diesem Dokument benötigen, wenden Sie sich bitte bei der/dem Diversity Director MassDEP an die unten aufgeführte Telefonnummer.



#### 16 Ελληνική (Greek):

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.



#### 17 Italiano (Italian):

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.



#### 18 Język Polski (Polish):

Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.



#### 19 हिन्दी (Hindi):

यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.

**REPORT ON SUITABILITY**

**REPORT #293-006-A**

**Prepared by: Massachusetts Department of Environmental Protection  
Bureau of Air and Waste  
Solid Waste Management Section  
Southeast Regional Office  
Lakeville, Massachusetts**

**October 26, 2020**

## **REPORT ON SUITABILITY**

### **APPLICANT**

Globalcycle, Inc.  
700A Richmond Street  
Taunton, MA 02716

**Application Prepared by:**  
Zenith Consulting Engineers, LLC  
3 Main Street  
Lakeville, MA 02347

### **LOCATION OF PROPOSED FACILITY**

700A Richmond Street  
Taunton, MA 02716

### **TYPE OF PROPOSED FACILITY**

Solid Waste Handling Facility ("Facility")  
for liquid, semi-solid, and solid non-hazardous Solid Waste  
(Maximum Capacity of less than 50 tons per day)

The Massachusetts Department of Environmental Protection, Bureau of Air and Waste, Solid Waste Management Section ("MassDEP" or "Department"), has prepared this report on the above referenced application ("Application") pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 150A and 310 CMR 16.00, *Site Assignment Regulations for Solid Waste Facilities*.

### **STATEMENT**

MassDEP has determined that the Application, as submitted, supplemented and amended by information referenced in this report, contains sufficient data to allow the MassDEP to determine whether the site meets the criteria set forth in 310 CMR 16.00.



## **I. INTRODUCTION**

Globalcycle, Inc. ("Globalcycle" or the "Applicant") proposes to construct and operate a solid waste transfer station ("Facility") at 700A Richmond Street in Taunton, Massachusetts. The Applicant proposes to accept and handle liquid, semi-solid, and solid non-hazardous solid waste at a maximum daily acceptance rate of less than 50 tons per day ("tpd"). The area under consideration for site assignment is 0.44 acres located at 700A Richmond Street, Taunton, MA (the "Site"). Pursuant to the requirements of 310 CMR 16.00, *Site Assignment Regulations for Solid Waste Facilities*, an application for determination of site suitability was submitted by Zenith Consulting Engineers, LLC on behalf of the Applicant on March 10, 2020. MassDEP has assigned Report Number 293-006-A to this permit application.

The initial permit Application (Record No. 1) consists of the document entitled:

**BWP SW 01 – Site Suitability Report  
For a New Site Assignment  
Globalcycle, Inc.  
700A Richmond Street  
Taunton, Massachusetts  
March 4, 2020**

In response to MassDEP's Determination of Administrative Incompleteness (Record No. 3), a revised permit Application (Record No. 4) was submitted on July 7, 2020, consisting of a document entitled:

**BWP SW 01 – Site Suitability Report  
For a New Site Assignment  
Globalcycle, Inc.  
700A Richmond Street  
Taunton, Massachusetts  
Revised June 17, 2020**

On July 28, 2020, MassDEP determined the Application to be Administratively Complete. (Record No. 20)

### **Facility Description**

The Site will consist of 0.44 acres of site assigned land on a 3.61 acre parcel located in an industrial zoned district at 700A Richmond Street in Taunton, Massachusetts. The Applicant submitted a "Site Locus Map" that depicts the general location for which the site assignment is proposed. (Record No. 12) The parcel is bound by open and wooded space to the north and west, commercial/industrial properties and Cape Highway (Route 44) to the south, and residential properties and Richmond Street to the east. The Applicant submitted a "Proposed Site Layout" plan depicting the proposed limit of site assignment. (Record No. 15)

The Applicant proposes to accept and handle liquid, semi-solid, and solid non-hazardous solid waste at a maximum daily acceptance rate of less than 50 tpd. The Facility will be designed to accept a waste stream that would otherwise be disposed. The waste stream will be treated or

converted into an end product that can potentially be reused or recycled. Solid waste that cannot be reused or recycled will be disposed of in accordance with Massachusetts regulations. The Applicant has identified the following waste streams as candidates for potential acceptance at the Facility:

- Power plant cooling tower basin sediments;
- Garnet blasting grit and abrasive stone semi-solids;
- Alum wastewater residuals from drinking water treatment plants;
- Soils, sand, dirt;
- Catch basin solids and semi-solids;
- Bentonite slurries;
- Spent carbon and media;
- Glycols; and
- Oily debris “spill media” that is exempt from 310 CMR 30.000. (Record No. 4)

No hazardous waste will be accepted. In order to determine that a waste is non-hazardous, the Facility will implement a prequalification process which will involve the completion of a waste characterization profile and either analytical testing or utilizing manufacturers information (e.g., safety data sheets). (Record No. 4) The Applicant submitted a copy of the waste characterization profile form. (Record No. 18) If the waste is determined to be non-hazardous, it will be transported to the Facility.

The Applicant proposes to construct an 8,000 square foot waste handling building as an addition to an existing building in which Globalcycle currently operates a commercial/industrial wastewater treatment facility. The Applicant submitted a “Proposed Site Layout” plan that depicts the existing building, the proposed waste handling building addition, the proposed limit of waste handling and the proposed limit of site assignment. (Record No. 15) Although a portion of the existing building is shown within the limit of waste handling, all proposed solid waste handling activities will be conducted within the 8,000 square foot building addition. Globalcycle proposes to operate the Facility between the hours of 7:00 AM and 4:00 PM Monday through Friday. (Record No. 4)

The 8,000 square foot waste handling building will be 80 feet by 100 feet and will be accessed by overhead doors on the north, west and south sides of the building. The waste handling building will be equipped with a ventilation system with particle filtration and carbon filtration. Waste will be transported to and from the Facility via truck. Access to the Facility will be via Route 44 through an access easement across an adjacent property located at 250 Cape Highway. The Facility also has an entrance on Richmond Street but it has a locked gate and has never been used for access. The “Proposed Site Layout” plan (Record No. 15) depicts vehicle access to and from the Facility. (Record No. 4)

The waste handling building will have two off-loading bays designated for semi-solids and solids. Semi-solid waste will be dewatered within a sloped containment system where all free liquids will gravity drain to a sump, which will pump into one of the two storage tanks used to handle liquid waste. Once the semi-solids are free of liquids, the dewatered semi-solids will be mixed with a solidification agent until the waste contains no more-free flowing liquids. Solid waste and solidified waste will be separated based on the proposed destination and stockpiled



within the building prior to being shipped off-site. The Applicant is proposing to stockpile up to 249.5 tons of waste within the building. The proposed destinations for the waste include landfills or incinerators for disposal, soil recycling facilities or landfills for re-use, fertilizer recycling facilities for use as an ingredient (alum residuals) or other destinations that may become available. (Record No. 4)

Liquid Waste that is accepted at the Facility will be pumped into one of two 25,000-gallon coned bottom storage tanks. One 25,000-gallon tank will be dedicated to "dewatering" liquid waste that may then be transferred to the Globalcycle wastewater facility located in the existing building adjacent to the waste handling building. A second 25,000-gallon tank will be dedicated to liquid wastes that cannot be recycled in the Globalcycle wastewater recycling facility. This liquid waste will be transferred via pumps into tanker trucks and shipped off-site to properly licensed facilities. (Record No. 4)

The Applicant submitted a "Proposed Waste Handling Layout" plan that depicts the conceptual layout of the waste handling building. (Record No. 16)

## **II. STATEMENT OF FACTS AND FINDINGS**

### **FACILITY-SPECIFIC SITE SUITABILITY CRITERIA** **CRITERIA FOR SOLID WASTE HANDLING FACILITIES** **{310 CMR 16.40(3)(d)}**

1. **Criterion at 310 CMR 16.40(3)(d)(1) Zone I:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone I of a public water supply;

The Applicant states that the proposed waste handling area is not located within the Zone I of a public water supply well. (Record No. 4) MassDEP establishes Zone I areas as the area encompassed by a protective radius of 400 feet around a public water system well with a yield of 100,000 gallons per day or greater. The Applicant submitted a Water Resources Plan (Record No. 28) encompassing a ½ mile radius from the Site and indicated that there are no public water supply wells within the map limits. The Applicant stated that the nearest Zone I is located approximately 4,700 feet from the Site. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone I of a public water supply and the Site meets this criterion.

2. **Criterion at 310 CMR 16.40(3)(d)(2) Interim Wellhead Protection Areas and Zone II:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well or within a proposed drinking water source area.

The Applicant states that the proposed waste handling area is not located within the Interim Wellhead Protection Area or a Zone II of a public water supply well. (Record No. 4) The Applicant submitted a Water Resources Plan (Record No. 28) encompassing a ½ mile radius from the Site and indicated that there are no Interim Wellhead Protection Areas or Zone IIs within the map limits. The Applicant stated that the nearest IWPA or Zone II is located approximately 4,700 feet from the Site. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well or within a proposed drinking water source area and the Site meets this criterion.

3. **Criterion at 310 CMR 16.40(3)(d)(3) Zone A of a Surface Water Drinking Supply:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone A of a surface drinking water supply.

The Applicant states that the proposed waste handling area is not located within a Zone A of surface drinking water supply. (Record No. 4) The Applicant submitted a Water Resources Plan (Record No. 28) encompassing a ½ mile radius from the Site and indicated that there is no Zone



A of a surface drinking water supply within the map limits. The Applicant stated that the nearest Zone A of a surface drinking water supply is associated with Assawompset Pond, located approximately 3.3 miles from the Site. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone A of a surface drinking water supply and the Site meets this criterion.

4. **Criterion at 310 CMR 16.40(3)(d)(4) Existing or Potential Private Water Supply Well:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application.

The Applicant states that there are no existing or potential private water supply wells within 500 feet of the proposed waste handling area. The Applicant obtained private well data from the local Health Department in the municipalities of Taunton, Lakeville, Middleborough, and Raynham. (Record No. 4) The Applicant submitted a Water Resources Plan (Record No. 28) encompassing a ½ mile radius from the Site and indicated that the nearest private well is located at 4 Vernon Street in Middleborough, approximately 850 feet from the proposed waste handling area. Regarding potential private water supply wells, the Applicant stated that all areas within 500 feet of the proposed site assignment area is either controlled by the owners of the Globalcycle property or in the inner riparian zone of the Taunton River. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply and the Site meets this criterion.

5. **Criterion at 310 CMR 16.40(3)(d)(5) Sensitive Receptors:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area of a transfer station that proposes to receive less than or equal to 50 tons per day of solid waste and utilizes a fully enclosed system such as a compactor unit, is 250 feet from:
- i. an occupied residential dwelling; or
  - ii. a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center, excluding equipment storage or maintenance structures.

The Applicant states that there are no occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools or high schools, children's preschools, licensed day care centers, senior centers, or youth centers within 500 feet of the proposed waste handling area. The residential dwellings nearest to the proposed waste handling area are located on Richmond Street and all residential dwellings are a minimum of 500 feet from the proposed waste handling area. (Record No. 4)

The Applicant submitted a Land Use Plan (Record No. 14) depicting sensitive receptors within ½ mile of the Site. The Land Use Plan shows the proposed waste handling area and abutter property lines. The Applicant indicates on the Land Use Plan that no health care facilities, prisons, schools, known licensed daycare centers, senior centers, or youth centers were found within ½ mile of the Site.

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within 250 feet of a residential dwelling, prison, health care facility, elementary school, middle school, high school, children's preschool, day care center, or senior or youth center and the Site meets this criterion.

6. **Criterion at 310 CMR 16.40(3)(d)(6) Riverfront Area:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Riverfront Area as defined at 310 CMR 10.00.

310 CMR 10.58(2)(a)3 defines the applicable Riverfront Area as the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away.

The Applicant states that the closest river is the Taunton River, located west of the Site. (Record No. 4) The Applicant submitted a Proposed Site Layout Plan (Record No. 15) depicting the proposed waste handling area and the Riverfront Area associated with the Taunton River. As indicated on this Plan, the Riverfront Area extends onto the northwest corner of the Site by approximately 5 feet and the Riverfront Area is located approximately 115 feet from the proposed waste handling area.

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within a Riverfront Area and the Site meets this criterion.

7. **Criterion at 310 CMR 16.40(3)(d)(7) Separation to Maximum High Groundwater:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the maximum high groundwater table would be within two feet of the ground surface in areas where waste handling is to occur unless it is demonstrated that a two foot separation can be designed to the satisfaction of the Department.

The Applicant retained Zenith Consulting Engineers, LLC ("ZCE") as a licensed soil evaluator to establish the maximum high groundwater elevation. On June 27, 2019, ZCE witnessed the excavation of four test pits in the vicinity of the proposed waste handling area and observed the redoximorphic features in the soil to establish the maximum high groundwater elevation. The Applicant states that redoximorphic features are visible indicators in the soil representing the oxidation and depletion of minerals and the upper extent of the features represent the maximum seasonal high groundwater elevation. The Applicant estimated a maximum high groundwater elevation of 23.7 feet. (Record No. 4) The Applicant submitted soil test pit information that includes test pit logs and a sketch showing the test pit locations. (Record No. 7)



The Applicant states that soils were evaluated in 2009 for the purposes of the on-site subsurface sewage disposal system. The Applicant submitted soil logs from the 2009 evaluation that indicate a maximum high groundwater elevation of 22.2 feet. (Record No. 7)

The USDA classifies soils in the area of the Site as Agawam Fine Sandy Loam. Per the USDA classification, the depth to water table is over 80 inches. (Record No. 8)

The Applicant concluded that all of the soil information for the Site is consistent and indicates an average high groundwater elevation of approximately 22 feet and a maximum high groundwater elevation of 23.7 feet. (Record No. 4) Accordingly, all waste handling activity must be at an elevation of 25.7 feet or higher to provide a 2-foot separation distance.

The Applicant states the finished floor in the proposed building will match the grade in the existing building which is at an elevation of 31.6 feet. The Applicant states that no proposed sump area will be located at an elevation lower than 27.60 feet. The Applicant states that the proposed Facility will maintain at least a two-foot separation between the maximum high groundwater elevation and the waste handling area. (Record No. 4)

**MassDEP's Finding:**

Pursuant to 310 CMR 16.40(1)(c), site suitability applications shall be evaluated with the presumption that the proposed facility shall be designed and constructed to meet all relevant state and federal statutory, regulatory and policy requirements. The review of an application does not consider detailed facility design or operations except where:

- a) the Department determines that specific design or operation plans or data are necessary to determine whether potential discharges or emissions from the proposed facility could render the site not suitable and requires the applicant to submit such relevant and detailed information; or
- b) the applicant intends to alter the site or design the facility to meet specific site suitability criteria and submits such plans or other information as the Department deems necessary to determine if the criteria are satisfied.

MassDEP has determined that, although final specific design information for the proposed facility has not been included in the Application, sufficient information has been submitted to determine that buildings can be designed to meet the requirement for a 2-foot separation between the waste handling area surface and the maximum high groundwater level. Should the Taunton Board of Health grant site assignment, the Applicant will be required to submit an Authorization to Construct ("ATC") permit application to MassDEP. Prior to MassDEP approval, the ATC permit application must include specific design information including, among other details, an updated determination of the maximum high groundwater contours in the vicinity of all waste handling areas, final building floor elevations and final floor drain details including elevations, should the building design include floor drains.

MassDEP has determined that the Facility can be designed to maintain a two-foot minimum separation to the maximum high groundwater table at waste handling areas proposed in the Application and the Site meets this criterion.

**GENERAL SITE SUITABILITY CRITERIA**  
**CRITERIA FOR SOLID WASTE HANDLING FACILITIES**  
**{310 CMR 16.40(4)}**

1. **Criterion at 310 CMR 16.40(4)(a) Agricultural Lands:** No site shall be determined to be suitable or be assigned as a solid waste management facility where:
  1. the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or
  2. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and
  3. a 100 foot buffer would not be present between the facility and those lands as classified at 310 CMR 16.40(4)(a)1 or 2.

United States Department of Agriculture (“USDA”), Natural Resources Conservation Service (“NRCS”) mapping shows the presence of soil types associated with Prime, Unique, or State and Local Importance farmland designations on the Site. (Record No. 8) According to USDA mapping information, the Site is mapped as Agawam fine sandy loam which is classified as “prime farmland”, as shown on the Applicant’s Land Use Plan. (Records No. 8 and 14) The Applicant states that the property is fully developed and the entire area which is proposed to be site assigned currently consists of pavement, a gravel parking area, and a building. (Record No. 4) The Applicant retained Apex Companies, LLC (“Apex”), as a certified soil scientist to ascertain the current accuracy of the historic USDA soil mapping information. (Records No. 4 and 9)

Apex performed a soil survey that included one site visit and a review of relevant background information and generated a report summarizing the soil survey. Apex advanced eleven (11) test pits in areas of the property outside of the existing pavement and building. The Apex soil survey concluded that no Agricultural Land of Prime, Unique, or of State or Local Importance exists on area proposed to be site assigned or within a 100-foot buffer of the area proposed to be site assigned. Apex determined that although the Site is mapped as Agawam fine sandy loam, the Site predominately consists of Urban land soil mapping units as evidenced by significant levels of soil disturbance and filling activities to develop the property. Apex determined that a small band of natural, undisturbed Agawam soils, classified as prime farmland, is present along the western property boundary. (Record No. 9)

The Apex report includes a figure titled “Area of Detailed Soil Survey” and representative photographs for each soil test pit. The figure depicts the area proposed to be site assigned, a 100-foot offset line from the area proposed to be site assigned, the area determined to be prime farmland, and the location of the soil test pits. The area determined to be prime farmland is not located within 100 feet of the area proposed to be site assigned. (Record No. 9)

The Applicant further determined that the proposed Site is not actively devoted to agricultural or horticultural use. (Record No. 4)

**MassDEP’s Finding:**

MassDEP has determined that the Site will not be located on land on which the existing conditions meet the requirements for classification as Prime, Unique, or of State and Local

Importance by the United States Department of Agriculture, Natural Resources Conservation Service; the land is not Land Actively Devoted to Agricultural or Horticultural Uses, and a 100 foot buffer will be present between the Site and those lands.

2. **Criterion at 310 CMR 16.40(4)(b) Traffic and Access to the Site:** No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:
1. traffic congestion;
  2. pedestrian and vehicular safety;
  3. road configurations;
  4. alternate routes; and
  5. vehicle emissions.

**Traffic Congestion:** The Applicant submitted a Transportation Impact Assessment ("TIA") prepared by Vanasse & Associates, Inc. to evaluate the traffic impacts of the proposed Facility. The proposed Facility is located at 700 Richmond Street in Taunton, MA and is bounded by open and wooded space to the north and west, commercial/industrial properties and Cape Highway (Route 44) to the south, and residential properties and Richmond Street to the east. Access to the Facility will be via Route 44 through an access easement across an adjacent property located at 250 Cape Highway. The Facility has an entrance on Richmond Street which has a locked gate and has never been used as an access way. The Applicant submitted a "Proposed Site Layout" plan (Record No. 15) depicting vehicle access to and from the Facility.

The TIA evaluated the existing year 2019 no-build traffic conditions and 2019 project build traffic conditions at two area intersections: Route 44 at the Facility entrance (east entrance) and Route 44 at west entrance and a private commercial driveway. The east entrance provides direct access to the Facility. The west entrance is located approximately 150 feet west of the east entrance and provides access to businesses on the west side of 250 Cape Highway. The private commercial driveway is located directly across from the west entrance and provides access to a commercial business. (Record No. 10)

The Facility will receive deliveries of liquid, semi-solid, and solid non-hazardous solid waste by truck between the hours of 7 AM and 4 PM, Monday through Friday. (Record No. 4) The TIA predicts that 43 percent of traffic will access the Facility from the west via Route 44 and 57 percent of traffic will access the Facility from the east via Route 44. (Record No. 10)

The TIA estimated the proposed waste acceptance rate of up to 50 tpd will require 10 incoming and 5 outgoing trucks per day for a total of 15 trucks per day or 30 truck trips per day. The TIA estimated that the project will generate 4 employee vehicle trips per day and 4 miscellaneous vehicle trips per day. Accordingly, the proposed Facility will generate 38 new vehicle trips per day including 4 new vehicle trips during the weekday morning ("AM") peak hour and 4 new vehicle trips during the weekday evening ("PM") peak hour. The Applicant based peak hour traffic volume estimates on data published by the Institute of Transportation Engineers for a similar land use (General Light Industrial). (Record No. 10)

For the intersection of Route 44 at the Facility entrance, the TIA predicts vehicles traveling along Route 44 (eastbound and westbound approach) will operate at a Level of Service

(“LOS”) of A during the weekday AM and PM peak hours. Under 2019 No-Build Conditions and 2019 Build Conditions, all vehicles exiting the site entrance (the stop-controlled southbound approach) are expected to operate at LOS F during the weekday AM and PM peak hours. (Record No. 10)

For the intersection of Route 44 at the west entrance and a private commercial driveway, the TIA predicts vehicles traveling along Route 44 (eastbound and westbound approach) will operate at LOS A during the weekday AM and PM peak hours. Under 2019 No-Build Conditions and 2019 Build Conditions, all vehicles exiting the west entrance and the private commercial driveway (the stop-controlled southbound approach and the stop-controlled northbound approach, respectfully) are expected to operate at LOS E during the weekday AM and PM peak hours. (Record No. 10)

The TIA states that traffic conditions for vehicles exiting the Facility entrance, the west entrance, and the private commercial driveway are a result of the relatively large number of conflicting traffic that is traveling along Route 44. The TIA concluded that “the Project will result in a minimal increase in traffic over existing conditions” and “will not result in a material increase in motorist delays or vehicle queuing along Route 44.” The TIA also concluded that “the transportation infrastructure affords sufficient capacity to accommodate the Project in a safe and efficient manner.” The TIA explains that the conclusion is based upon the successful implementation of specific recommendations. (Record No. 10) The recommendations are discussed below under Pedestrian and Vehicular Safety.

Pedestrian and Vehicular Safety: The TIA discussed crash data for the study area intersections for 2012 through 2016, the most recent 5 years of data available from the Massachusetts Department of Transportation (“MassDOT”). (Record No. 10) The statewide and MassDOT District 5 average crash rate for unsignalized intersections is 0.57 crashes per million entering vehicles (“mev”).

A total of 5 reported crashes occurred within the study area for the 5-year review period, resulting in a crash rate below the statewide and MassDOT District 5 crash rate for both intersections. The majority of reported crashes occurred on a weekday, during daylight, under clear weather conditions, and were rear-end type crashes that resulted in property damage only. (Record No. 10)

The TIA included a sight distance assessment. Stopping sight distance (“SSD”) and intersection sight distance (“ISD”) measurements were performed for the study area intersections. The TIA explains that in accordance with American Association on State Highway and Transportation Officials (“AASHTO”) standards, if the measured ISD is at least equal to the required SSD value for the appropriate design speed, the intersection can operate in a safe manner. The TIA concluded that the sight distance measurements at the study area intersections exceed the recommended minimum sight distances to function in a safe and efficient manner based on a 50 mph approach speed. (Record No. 10)

The TIA also concluded that “the transportation infrastructure affords sufficient capacity to accommodate the Project in a safe and efficient manner.” This conclusion is based on the successful implementation of the following recommendations:



- The project site driveways and circulating drives within the project site should be a minimum of 24-feet in width or as required to accommodate the turning and maneuvering requirements of delivery trucks and the largest anticipated responding emergency vehicles.
- Circulating roadways and drive aisles within the project site should be a minimum of 23-feet in width where perpendicular parking is proposed.
- Vehicles exiting the project site should continue to operate under stop control.
- All signs and pavement markings to be installed shall conform to the applicable standards of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices*.
- Signs and landscaping to be installed as part of the project within intersection sight triangle areas of the driveways serving 250 Cape Highway should be designed and maintained so as not to restrict lines of sight.
- Snow windrows located within the sight triangle areas of the driveways serving 250 Cape Highway should be promptly removed where such accumulations impede sight lines. (Record No. 10)

Road Configuration: The TIA included a field inventory of existing conditions along Route 44 at the study area intersections. Route 44 is a two-lane roadway that is classified as an urban principal arterial under MassDOT jurisdiction. Route 44 generally runs in the east-west direction. In the vicinity of the project site, Route 44 provides two 13-foot wide travel lanes separated by a double yellow line or broken yellow line centerline with 5 to 7-foot wide shoulders provided. There are no sidewalks provided on either side of Route 44 within the study area. (Record No. 10)

Alternate Routes: The TIA predicts that 43 percent of traffic will access the Facility from the west via Route 44 and 57 percent of traffic will access the Facility from the east via Route 44. Access to the facility will through an access easement across an adjacent property located at 250 Cape Highway. The Facility has an entrance on Richmond Street which has a locked gate and has never been used as an accessway. (Record No. 10) No alternate routes were identified or proposed.

Vehicular Emissions: The Applicant states that the transport of waste to the Facility will typically be done in vector and vacuum trucks that are fully enclosed. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(b) Traffic and Access to the Site, and that operation of the Facility will not constitute a danger to the public health, safety, or the environment taking into consideration traffic and access to the Site.

The conclusions presented in the TIA are based upon the successful implementation of specific recommendations. MassDEP recommends the Taunton Board of Health evaluate the recommendations and consider requiring the project proponent to implement the recommendations as a condition of any Site Assignment approval.

3. **Criterion at 310 CMR 16.40(4)(c): Wildlife and Wildlife Habitat:** No site shall be

determined to be suitable or be assigned as a solid waste management facility where such siting would:

1. have an adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database;
2. have an adverse impact on an Ecologically Significant Natural Community as Documented by the Natural Heritage and Endangered Species Program in its database; or
3. have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

Endangered, Threatened, or Special Concern Species:

The Applicant states that the Site is located within an area designed as a Estimated Habitat of Rare Wildlife and a Priority Habitat of Rare Species. When the property was originally developed the landowner contacted the National Heritage and Endangered Species Program (NHESP). As a result of NHESP review, a conservation restriction was placed on vacant land north and west of the property. (Record No. 4)

The Applicant states that all waste handling activities will occur within an enclosed building that will be constructed over areas that are currently paved. The Applicant submitted correspondence from the Division of Marine Fisheries & Wildlife stating that the project, as currently proposed, will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. (Record No. 11)

Ecologically Significant Natural Community:

According to the MassGIS database, the Site is not located within an Ecologically Significant Natural Community. (Record No. 4)

Wildlife Management Area:

The Applicant states that based on a review of the Mass Wildlife Lands Viewer, the closest Wildlife Management Area is the Purchase Brook Wildlife Management Area, which is located approximately 2.5 miles from the Site. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the Site complies with the requirements of 310 CMR 16.40(4)(c) Wildlife and Wildlife Habitat and that operation of the Facility will not have an adverse impact on wildlife and wildlife habitat.

4. **Criterion at 310 CMR 16.40(4)(d): Areas of Critical Environmental Concern ("ACEC"):**

No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting:

1. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or
2. would fail to protect the outstanding resources of an ACEC as identified in the Secretary's designation if the solid waste management facility is to be located outside, but

adjacent to the ACEC.

The Applicant stated the Site is not within an ACEC. The Applicant submitted a Land Use Plan (Record No. 14) encompassing a ½ mile radius from the Site and indicated that there are no ACEC areas within the map limits. The Applicant states that the nearest ACEC is the Hockomock Swamp ACEC which is located over 2.8 miles from the Site. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the Site complies with the requirements of 310 CMR 16.40(4)(d) Areas of Critical Environmental Concern and that operation of the Facility will not be located in or adjacent to an ACEC or fail to protect the outstanding resources of an ACEC and the Site meets this criterion.

5. **Criterion at 310 CMR 16.40(4)(e) Protection of Open Spaces:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would have an adverse impact on the physical environment of, or on the use and enjoyment of:

1. state forests;
2. state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution;
3. MDC reservations;
4. lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs; or
5. conservation land owned by private non-profit land conservation organizations and open to the public.

The Applicant states that, based on review of the State Park database on the Commonwealth of Massachusetts website, no State forests or MDC reservations are located in the vicinity of the Site. (Record No. 4) The Applicant submitted a Land Use Plan (Record No. 14) depicting conditions within ½ mile of the Site and indicated that there are no state forests or MDC reservations within the mapped area.

The Applicant did not identify state or municipal parklands or any lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the secretary of EOEA in the vicinity of the Site. (Record No. 4)

The nearest conservation land is a vacant parcel located adjacent to and north and west of the Site. A conservation restriction was placed upon the parcel as a result of a NHESP review that was conducted when the property was developed in 2009. The Applicant stated that the conservation land is not accessible to the public. (Record No. 4) The Land Use Plan (Record No. 14) shows the location of the vacant parcel of conservation land and additional conservation land located within ½ mile of the Site.

**MassDEP's Finding:**

MassDEP has determined that the Site complies with the requirements of 310 CMR 16.40(4)(e) Protection of Open Spaces and that operation of the Facility will not have an adverse impact on the physical environment of, or on the use and enjoyment of open space.

6. **Criterion at 310 CMR 16.40(4)(f) Potential Air Quality Impacts:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute a danger to the public health, safety or the environment, taking into consideration:
1. the concentration and dispersion of emissions
  2. the number and proximity of sensitive receptors; and
  3. the attainment status of the area.

The Applicant states that no stationary fuel burning equipment is proposed to be used for waste handling activities and all stationary equipment on site will be powered by electric motors. The Applicant reviewed the Massachusetts Air Pollution Control Regulations (310 CMR 7.00) and determined that based on the proposed facility operations, the requirements of 310 CMR 7.02 do not apply. (Record No. 30)

The Applicant states the nearest residential dwellings are located on Richmond Street, all of which are located over 650 feet from the proposed waste handling areas. The Applicant states that air quality impacts will be minimized by the following:

- No municipal solid waste, food waste or construction debris are proposed to be handled at the Facility; no putrescible or organic wastes will be handled at the Facility.
- Waste will typically be transported to the Facility in fully enclosed vector and vacuum trucks.
- All waste handling will be conducted within the enclosed building and overhead doors will be closed except while a vehicle is inside the building to prevent the release of dust and odors.
- The majority of wastes will be liquid or semi-solid, thus there is no potential for dust emissions. Water will be applied to any solid waste that has a potential to create dust emissions.
- A ventilation system equipped with particle filtration and carbon filtration will be installed within the waste handling building. (Record No. 4)

MassDEP's review of US EPA's listing of Current Non-Attainment Counties for All Criteria Pollutants indicates that there are no issues of non-attainment in Bristol County. (Record No. 27)

**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(f) Potential Air Quality Impacts and that operation of the proposed Facility can be designed to meet required state and federal air quality standards or criteria and will not otherwise constitute a danger to the public health, safety or the environment.

7. **Criterion at 310 CMR 16.40(4)(g) Potential for the Creation of Nuisances:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would



constitute a danger to the public health, safety or the environment taking into consideration the following factors:

1. noise;
2. litter;
3. vermin such as rodents and insects;
4. odors;
5. bird hazards to air traffic; and
6. other nuisance problems.

Noise: The Site is located in an industrial zoning district which regularly has truck traffic and noise levels associated with industrial use. The Applicant states that the proposed hours of operation are 7 am to 4 pm, Monday through Friday, which is inside the operating window of the surrounding businesses. All waste handling will be conducted within the enclosed building. The Applicant states the proposed Facility intends to operate with all the overhead doors closed except while a vehicle is inside the building. The Applicant concluded that it is unlikely the proposed Facility will cause any perceptible change to noise levels in the area. The Applicant stated that should there be any noise-related concerns, they will commit to performing a sound survey upon commencement of operations. (Record No. 4)

Litter: The Applicant states that litter issues are not anticipated since the proposed waste stream does not include wastes that could cause a litter nuisance condition. The Applicant states that the facility will be inspection for litter on a daily basis in the event that it occurs. (Record No. 4)

Vermin: The Applicant states that vermin issues are not anticipated since the proposed waste stream does not include wastes that provide a food source for vermin such as rodents or insects. The Applicant states that the facility will contract with an exterminator in the event that vermin is discovered anywhere on the property. (Record No. 4)

Odors: The Applicant states that odor issues are not anticipated since the proposed waste stream does not include wastes that are putrescible or organic. No municipal solid waste, food waste or construction debris are proposed to be handled at the facility. The transport of waste to the facility will typically be done in fully enclosed vector and vacuum trucks. All waste handling will be conducted within the enclosed building and overhead doors will be closed except while a vehicle is inside the building. In addition, the waste handling building will be equipped with a ventilation system with particle filtration and carbon filtration. (Record No. 4)

Bird Hazards to Air Traffic: The closest airport is the Taunton Municipal Airport which is located approximately 2.5 miles from the Site. The Applicant does not anticipate that birds will be a hazard to air traffic based on the distance to the nearest airport and the nature of the proposed waste stream as it does not include wastes that provide a food source for birds. (Record No. 4)

Other Nuisance Problems: The Applicant states that the proposed Facility is not expected to cause a nuisance condition with any other scenarios. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the proposed Facility complies with the requirements of 310 CMR 16.40(4)(g) Potential for the Creation Nuisances, and that operation of the Facility will not constitute a danger to the public health, safety, or the environment taking into consideration potential nuisances.

Pursuant to 310 CMR 16.40(1)(c)1, MassDEP evaluated the Application with the assumption that the proposed facility would be designed and constructed to meet all relevant state and federal statutory, regulatory and policy requirements. Accordingly, complete proposed facility operational and design details, inclusive of Best Management Practices to minimize potential nuisance conditions, will be required in the Authorization to Construct permit application submitted to MassDEP, if the Taunton Board of Health grants a site assignment for the proposed facility.

Pursuant to 310 CMR 7.00 Air Pollution Control Section 7.10: U Noise, MassDEP regulates all sounds emanating from a solid waste facility operation including, but not limited to, the operation of: waste handling equipment inside and outside the building; waste delivery vehicles on-Site inside and outside the building; and fixed mechanical equipment such as the proposed roof ventilators.

If the Taunton Board of Health has any noise-related concerns, MassDEP recommends that the Taunton Board of Health consider requiring the project proponent to perform periodic sound surveys as a condition of any Site Assignment approval and require a pre-submittal of the sound survey protocol for review and approval by the Taunton Board of Health and MassDEP.

7. **Criterion at 310 CMR 16.40(4)(h): Size of Facility:** No site shall be determined to be suitable or be assigned as a solid waste management facility if the size of the proposed site is insufficient to properly operate and maintain the proposed facility. The minimum distance between the waste handling area or deposition area and the property boundary for the facility shall be 100 feet, provided that a shorter distance may be suitable for that portion of the waste handling or deposition area which borders a separate solid waste management facility.

The Site will consist of 0.44 acres of site assigned land on a 3.61 acre parcel located in an industrial zoned district at 700A Richmond Street in Taunton, Massachusetts. The Applicant submitted a "Site Locus Map" that depicts the general location for which the site assignment is proposed. (Record No. 12) The parcel is bound by open and wooded space to the north and west, commercial/industrial properties and Cape Highway (Route 44) to the south, and residential properties and Richmond Street to the east. (Record No. 4)

The Applicant proposes to accept and handle liquid, semi-solid, and solid non-hazardous solid waste at a maximum daily acceptance rate of less than 50 tpd. The Applicant proposes to construct an 80 foot by 100 foot waste handling building. All proposed solid waste handling activities will be conducted within an enclosed building. The Applicant is proposing to store up to 249.5 tons of waste within the building. The "Proposed Site Layout" plan (Record No. 15) shows that the limit of waste handling will meet the 100-foot property line

setback requirement.

Access to the Facility will be via Route 44 through an access easement across an adjacent property located at 250 Cape Highway. The Facility also has an entrance on Richmond Street which has a locked gate and has never been used as access. The "Proposed Site Layout" plan (Record No. 15) depicts vehicle access to and from the Facility. The waste handling building will be accessed by overhead doors on the north, west and south sides of the building (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the Site complies with the requirements of 310 CMR 16.40(4)(h) Size of Facility. MassDEP has determined that the size of the Site is sufficient to properly design, construct, operate and maintain the Facility.

MassDEP has determined that the proposed waste handling building is sufficiently sized for the proposed maximum daily tonnage of up to 50 tons per day of liquid, semi-solid, and solid waste. However, MassDEP has insufficient information to determine if the proposed building is sufficiently sized for the storage of up to 249.5 tons of waste. It should be noted that MassDEP's solid waste regulations do not prohibit the storage of waste within waste handling buildings. However, excessive storage should be limited to nonroutine or unexpected circumstances such as equipment breakdown or unscheduled closure of a solid waste management facility. If the Taunton Board of Health grants a site assignment modification for the proposed Facility, complete proposed facility operational and design details will be required in the Authorization to Construct permit application submitted to MassDEP and maximum storage amounts will be evaluated again.

**8. Criterion at 310 CMR 16.40(4)(i) Areas Previously Used for Solid Waste Disposal:**

Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site:

1. the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the proposed site;
2. the nature and extent to which the proposed site may impact the site previously used for solid waste disposal; and
3. the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment; taking into consideration:
  - a. whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;
  - b. whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and
  - c. the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

The Applicant states that no areas on site or on abutting properties have been previously used for solid waste disposal. (Record No. 29)

**MassDEP's Finding:**

MassDEP reviewed the proposed Facility with respect to the considerations listed at 310 CMR 16.40(4)(i) Areas Previously Used for Solid Waste Disposal. MassDEP has determined that no information has been provided to indicate that an area adjacent to the proposed Site has been previously used for solid waste disposal.

9. **Criterion at 310 CMR 16.40(4)(i) Existing Facilities:** In evaluating proposed sites for new solid waste management facilities the Department and the board of health shall give preferential consideration to sites located in municipalities in which no existing landfill or solid waste combustion facilities are located. This preference shall be applied only to new facilities which will not be for the exclusive use of the municipality in which the site is located. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community with an existing disposal facility:
1. the extent to which the municipality's or region's solid waste needs will be met by the proposed facility; and
  2. the extent to which the proposed facility incorporates recycling, composting or waste diversion activities.

There is one landfill is located in the City of Taunton ("City"), located at 340 Britannia Street. The City of Taunton Landfill is listed as "active" on the MassDEP Solid Waste Facilities Master List, however the landfill is in the process of closing and ceased accepting solid waste in May of 2020.

The proposed Facility will not be limited to the exclusive use of the City of Taunton. (Record No. 4)

The Applicant states that the proposed Facility will handle a waste stream for which there is no other facility located in the general area. The Applicant states that the amount and percentage of waste proposed to be accepted at the Facility that will be generated in the City of Taunton is currently unknown since the Facility will handle waste streams from private haulers. The Applicant states that there is no agreement currently in place with the City; however, City personnel have expressed interest in potentially utilizing the Facility for waste that may be difficult to handle at the landfill. The Applicant states the proposed Facility will incorporate recycling and waste diversion activities by treating the waste stream with the potential to create a product that may be reusable or recyclable. (Record No. 4)

**MassDEP's Finding:**

MassDEP has insufficient information to determine the extent to which the municipality's or region's solid waste needs will be met by the proposed Facility. Accordingly MassDEP is not giving preferential consideration to the proposed project on the basis of Existing Facilities.

MassDEP acknowledges that the proposed Facility will provide for handling of waste from a regional perspective and will incorporate recycling and waste diversion efforts. MassDEP further acknowledges that the proposed Facility will provide for handling a waste stream for which there is no other facility located in the City or the region.



10. **Criterion at 310 CMR 16.40(4)(k) Consideration of Other Sources of Contamination or Pollution:** Pursuant to 310 CMR 16.40(4)(k), MassDEP shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

The Applicant states that the existing property is not polluted or contaminated and that all waste handling will be conducted within the enclosed building on impervious concrete floors. The Applicant states that the building will be equipped with a ventilation system with particle filtration and carbon filtration. The Applicant states that the waste stream proposed to be handled at the Facility does not include wastes that could cause a litter nuisance nor does it include wastes that provide a food source for vermin. (Record No. 4)

MassDEP review of US EPA's listing of Current Non-Attainment Counties for All Criteria Pollutants indicates that there are no issues of non-attainment in Bristol County. (Record No. 27)

**MassDEP's Finding:**

MassDEP has determined that the projected impacts of the proposed Facility do not pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination and the Site meets this criterion.

11. **Criterion at 310 CMR 16.40(4)(l) Regional Participation:** Pursuant to 310 CMR 16.40(4)(l), the Department and the board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility.

Municipal solid waste ("MSW"), recyclables, and miscellaneous construction and demolition waste ("C&D") generated within the City of Taunton is currently transported to New England Waste Disposal by truck under a contract between the City and New England Waste Disposal.

The Applicant states that the proposed Facility will handle a waste stream for which there is no other facility located in the general area. The Applicant states the proposed Facility incorporates recycling and waste diversion activities by treating the waste stream with the potential to create a product that may be reusable. (Record No. 4)

**MassDEP's Finding:**

MassDEP has determined that the City of Taunton participates in a regional disposal facility. Accordingly MassDEP is not giving preferential consideration to the proposed project on the basis of Regional Participation.

MassDEP acknowledges that the proposed Facility will provide for handling of waste from a regional perspective and will incorporate recycling and waste diversion efforts. MassDEP further acknowledges that the proposed Facility will provide for handling a waste stream for which there is no other facility located in the City or the region.

### III. DETERMINATION

The Massachusetts Department of Environmental Protection, Solid Waste Management Section has determined that the Application adequately satisfies and complies with the site suitability criteria established in 310 CMR 16.40(3) Facility Specific Site Suitability Criteria and (4) General Site Suitability Criteria.

Pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 150A, and 150A1/2 as amended, and 310 CMR 16.00, "*Site Assignment Regulations for Solid Waste Facilities*", and with due consideration to the above, the MassDEP has determined the Site, as referenced in the Application, to be suitable for the purpose of establishing a solid waste handling and recycling facility.

Be advised that should the City of Taunton Board of Health grant Site Assignment, additional permits are required from MassDEP prior to Facility construction and operation.

#### IV. RECORD

The Record for Site Assignment Report #293-006-A for a solid waste management facility to be located at 700A Richmond Street in Taunton, Massachusetts, consists of the following:

1. **Zenith Consulting Engineers** – "Site Suitability Report for a New Site Assignment", Solid Waste Application BWP SW 01, Application No. 20-SW01-0001-APP, submitted on behalf of Globalcycle, Inc., initially dated March 4, 2020, received by the MassDEP on March 17, 2020 ("hereinafter referred to as the "initial Application"). The following documents were submitted within the initial Application: Application Form; proof of payment to Municipality; Application Narrative; Soil Test Pit Information; Custom Soil Resource Report; Detailed Soil Report; Traffic Impact Study; Letter to NHESP and Response; and Figures. The initial Application, including all attachments, was superseded by the revised Application (Record No. 4)
2. **MassDEP** – April 10, 2020, Request for extension of Suitability Report administrative review deadline until April 17, 2020.
3. **MassDEP** – April 17, 2020, Determination of Administrative Incompleteness and Request for Information.
4. **Zenith Consulting Engineers** – "Site Suitability Report for a New Site Assignment", Solid Waste Application BWP SW 01, Application No. 20-SW01-0001-APP, submitted in response to MassDEP's Determination of Administrative Incompleteness and Request for Information, on behalf of Globalcycle, Inc., dated June 17, 2020, received by the MassDEP on July 7, 2020 ("hereinafter referred to as the "revised Application").
5. **Zenith Consulting Engineers** – Application Form - BWP SW 01: Site Suitability Report for a New Site Assignment, submitted within the revised Application (Record No. 4).
6. **Zenith Consulting Engineers** – Correspondence to the City of Taunton Board of Health regarding an alternative Technical Fee Payment, dated March 2, 2020. Submitted within the revised Application (Record No. 4) as Attachment A.
7. **Zenith Consulting Engineers** – Soil test pit information for the maximum high groundwater elevation analysis. Submitted within the revised Application (Record No. 4) as Appendix A.
8. **United States Department of Agriculture** – Custom Soil Resources Report, obtained through Web Soil Survey on May 29, 2019. Submitted within the revised Application (Record No. 4) as Appendix B.
9. **Apex Companies, LLC** – January 6, 2020 - Detailed Soil Survey, Agricultural Lands Suitability Criteria, 700 Richmond Street, East Taunton, MA. Submitted within the revised Application (Record No. 4) as Appendix C.
10. **Vanasse & Associates, Inc.** – "Transportation Impact Assessment", Proposed Solid

Waste Handling Facility, 700 Richmond Street, Taunton, MA, dated July 10, 2019. Submitted within the revised Application (Record No. 4) as Appendix D.

11. **Commonwealth of Massachusetts, Division of Fisheries and Wildlife** - April 8, 2019, correspondence stating the project, as currently proposed, will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Submitted within the revised Application (Record No. 4) as Appendix E.
12. **Zenith Consulting Engineers** – “Site Locus Map”, submitted within the revised Application (Record No. 4) as Appendix F, Figure 1.
13. **Zenith Consulting Engineers** – “Water Resources Site Plan”, submitted within the revised Application (Record No. 4) as Appendix F, Figure 2.
14. **Zenith Consulting Engineers** – “Land Use Site Plan”, submitted within the revised Application (Record No. 4) as Appendix F, Figure 3.
15. **Zenith Consulting Engineers** – “Proposed Site Layout”, dated February 18, 2020, submitted within the revised Application (Record No. 4) as Appendix F.
16. **Zenith Consulting Engineers** – “Proposed Waste Handling Layout”, dated February 18, 2020, submitted within the revised Application (Record No. 4) as Appendix F.
17. **Zenith Consulting Engineers** – Site Suitability Report Application Distribution List, submitted within the revised Application (Record No. 4) as Appendix G.
18. **Globalcycle, Inc.** – “Waste Profile Form”, submitted within the revised Application (Record No. 4) as Appendix H.
19. **Zenith Consulting Engineers** – “Process Flow Diagram”, submitted within the revised Application (Record No. 4) as Appendix I.
20. **MassDEP** – Determination of Administrative Completeness, dated July 28, 2020.
21. **Zenith Consulting Engineers** – August 25, 2020, Copy of Public Notice as published in the Taunton Daily Gazette on August 17, 2020.
22. **Zenith Consulting Engineers** – August 25, 2020, Copy of Abutters List.
23. **Zenith Consulting Engineers** – August 25, 2020, Certified Mail receipts.
24. **Zenith Consulting Engineers** – August 25, 2020, Copy of Public Notice circulation letter.
25. **Zenith Consulting Engineers** – August 31, 2020, Proof of Public Notice as published in the MEPA Monitor on August 26, 2020.



26. **MassDEP** – August 25, 2020, e-mail to City of Taunton Board of Health regarding review of proposed project.
27. **US EPA** – Current Nonattainment Counties for All Criteria Pollutants  
<https://www3.epa.gov/airquality/greenbook/ancl.html>
28. **Zenith Consulting Engineers** – September 18, 2020, revised “Water Resources Site Plan” (revision of Record No. 13).
29. **Zenith Consulting Engineers** – October 20, 2020, revised narrative, updated to reflect changes to Section 3.9 Areas Previously Used For Solid Waste Disposal.
30. **Globalcycle, Inc.** – October 22, 2020, email to MassDEP regarding Potential Air Quality Impacts (310 CMR 16.40(4)(f).)